

civil conspiracy. The participants in the conspiracy must share the general conspiratorial objective, but they need not know all the details of the plan designed to achieve the objective or possess the same motives for desiring the intended conspiratorial result.” *Cooney v. Casady*, 735 F.3d 514, 519, 2013 U.S. App. LEXIS 17255, 13-14, 86 Fed. R. Serv. 3d (Callaghan) 535, 2013 WL 4406668 (7th Cir. Ill. 2013).

Argument

Medical personnel at the jail were not notified until approximately an hour and a half after Plaintiff had been beaten and after sustaining fractures to his right orbital. [EXHIBIT A]. Defendants Smith, Stewart and Fulk each submitted reports providing that Plaintiff had not been injured. [EXHIBIT B]. No Defendant undertook any measure to prevent Plaintiff from being beaten while he was handcuffed. Nor did any Defendant report to medical personnel that Plaintiff was in immediate need of medical attention. Defendants’ actions and their failure to report were deliberate and indifferent to Plaintiff’s serious medical needs and resulted in unnecessary pain, suffering and mental anguish to Plaintiff. Leaving Plaintiff, naked in a cell with facial fractures for over an hour, failing to report his injuries to medical staff and falsely stating in their reports that Plaintiff had not sustained any injuries violated Plaintiff’s 8th and 14th amendment rights and is part and parcel to Plaintiff’s intentional infliction of emotional distress claims.

WHEREFORE, for the foregoing reasons Plaintiff prays this Court allow him to proceed on his state law conspiracy claims and for such further relief to Plaintiff this Court deems proper.

Respectfully submitted,

s/Fabian J. Rosati
Attorney for the Plaintiff

LAW OFFICE OF FABIAN J. ROSATI
757 N. Orleans, #1808
Chicago, IL 60654
(312) 285-2005
frosati@rosati-law.com
Bar Number 6281531

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2014 I mailed copies of Plaintiff's *Brief Supporting State Conspiracy Claims* in the above captioned matter to the email address of Assistant Attorney General Lisa Cook, Ed Huntley of the IDOC and Attorney General Chris Higgerson and below and, notice of which is being filed electronically with the Clerk of the Court using CM/ECF system.

TO:

Lisa Cook
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Tel: (217) 782-5819
lcook@atg.state.il.us
Attorney for individual defendants

Ed Huntley
Special Litigation Counsel
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794
Tel: (217) 558-2200
Edward.huntley@doc.illinois.gov

Chris Higgerson
500 South Second Street
Springfield, IL 62706
Tel: (217) 782-5819
chiggerson@atg.state.il.us
Attorney for Vandalia

s/Fabian J. Rosati

Attorney for the Plaintiff
757 N. Orleans, #1808
Chicago, IL 60654
(312) 285-2005
frosati@rosati-law.com
Bar Number 6281531

